MISCELLANY.

Table of Cases on Rehearing.—In the following cases, petitions for rehearing are pending: Arminius Chemical Co. *v.* White's Adm'r (Va.), 71 S. E. 637; Chesapeake & O. R. Co. *v.* Wills (Va.), 68 S. E. 395; Clinchfield Coal Co. *v.* Viers (Va.), 68 S. E. 976; Clinchfield Coal Co. *v.* Wheeler (Va.), 68 S. E. 1001; Marbury *v.* Jones (Va.); Pollard *v.* American Stone Co. (Va.), 68 S. E. 266.

In the following cases, petitions for rehearing have been granted: Atkinson, Adm'r *v.* Solenberger (Va.), opinion filed Nov. 17, 1910; Woolfolk *v.* Graves (Va.), 69 S. E. 1039; Yost *v.* Critcher (Va.), opinion filed Nov. 17, 1910.

The Law Society and Legal Education.—This decline in the membership of the profession has occurred, curiously enough, during a period in which the Law Society has been successfully engaged in making its educational system more efficient. Not only has the Council established a system of lectures and classes in Chancery Lane which, under the skillful supervision of Mr. Jenks, has proved of great value to students—it has assisted and stimulated the promotion of legal education in the provinces by making grants to local law societies which provide facilities for the training of articled clerks, and the recent formation of a Joint Board of Legal Education for Wales, in which the Council took an active interest, is an excellent illustration of the wise policy it pursues in this direction. The Council which exhibits in several ways its desire to improve the educational status of the profession, is seeking to obtain a repeal of Section 10 of the Solicitors Act, 1877, which exempts the holders of Junior Certificates of the Oxford and Cambridge Local Examinations from the Society's preliminary examination. The bill which the Council has prepared to achieve this object ought not to encounter any opposition, for the Inns of Court, which recently abolished the preliminary examination for the Bar, allow only the senior local examinations to be a substitute for it, and it cannot be contended that while a senior certificate is necessary for entering one branch of the profession, a junior certificate is sufficient in the other. A recent bequest to the Society of £2,000 will enable the Council to undertake a new duty in connection with the training of articled clerks. Mr. Trinder gave this legacy on two alternative trusts; one, that it should be expended in providing lectures on history, geography and political economy; the other, that it should be used in defraying the expenses of the necessitous sons of deceased solicitors during their articles. The Council has, we think, acted wisely in deciding to devote the legacy to the assistance of such articled clerks as the testato desired to benefit, though the task

of choosing the recipients of his bounty may sometimes be both difficult and delicate.— London Law Journal.

The Domicile of a Married Woman.—The intolerable conditions which may arise out of the differences of the marriage law of various countries, by which a person is treated as married in one place and not married in another, were singularly illlustrated this week in an undefended petition for divorce which came before Mr. Justice Bargrave-Deane (Ramos *v.* Ramos). The petitioner was a native-born British subject, who some years ago married in this country the respondent, a man who was a domiciled Mexican. She went out and lived with him in Mexico as his wife, but he failed to register the marriage, and by the Mexican law she had not, therefore, any civil status, and was not legally married. He treated her cruelly, and then deserted her and lived with another woman, and she returned to England. There was evidence that, though divorce is not recognized by the law of Mexico, she might have obtained in that country a judicial separation a mensa et thoro, or a decree of nullity. But she had failed to take that course, and sued for an English divorce. The Court, however, held that it had no jurisdiction to grant the petition, since by English law the marriage was complete and the wife had acquired her husband's domicile. These circumstances are very similar to those in Ogden *v.* Ogden (1908), where an English-woman, validly married to a Frenchman in this country, failed to obtain a decree of divorce in our courts after her husband had secured the annulment of the marriage in France. Subsequently she married again, and the Court on the second husband's application declared the marriage bigamous; but Lord Gorell, in giving the judgment of the Court of Appeal, suggested that, in such a case, the woman should be allowed to obtain a divorce in England. In that learned Judge's opinion, the real basis of the rule against allowing a divorce suit to be maintained except in the country where the married couple are domiciled—which was to prevent difficulties, inconveniences, and scandals—did not apply when the country of the husband's domicile did not recognize the marriage. Mr. Justice Bargrave-Deane did not see his way to follow this suggestion in a court of first instance in view of the many decisions in a contrary direction; but he expressed the hope that the Court of Appeal might be able to review his decision, and make the law of divorce less rigid and more humane than the stern logic applied by the judges to questions of domicile has contrived to render it.—London Law Journal.

Application of the Principle of Renvoi to Divorce.—The decision in Ramos *v.* Ramos suggests also that the law as to the domicile

of a married woman separated from her husband might well be reconsidered. Very recently in the case of In re Mackenzie: Mackenzie *v.* Edwards-Moss Mr. Justice Swinfen-Eady was called upon to determine a similar question, and he held that except where there had been a valid decree of divorce or judicial separation, the wife, though living apart, retained the matrimonial domicile of her husband till his death, and could not recover her domicile of origin. But in the case of Dolphin *v.* Robins (1859) Lord Cranworth printed out that 'there may be exceptional cases to which, even without judicial separation, the general rule would not apply, as where the husband has abjured the realm, or has deserted his wife.' It seems unjust and unnecessary that a married woman should be saddled as to her civil rights to a man who has ill-used her and left her, and that she cannot on return to her own country, where she entered into the marriage contract, obtain relief from its courts. Perhaps the Court of Appeal may see its way to amend the law judicially in this respect likewise. A more subtle way out of the tangle in this particular case was suggested to the Court, but not accepted. Inasmuch as the wife was regarded by English law as domiciled in Mexico, but by Mexican law as domiciled in England, it was argued that the English Court might adopt the principle of Renvoi, as it is called, and deal with the case on the basis that the petitioner retained her domicile of origin. In cases of succession it has been held, indeed, by our Courts that where the foreign tribunals refuse jurisdiction, either because they do not recognize domicile, or a legal domicile has not been acquired abroad by the deceased, the English law may be applied to the distribution of the estate (re Johnson, 1903, and re Bates, 1907). On this analogy it seems reasonable that, where a foreign law refuses to recognize the domicile of an English married woman, which the English law declares to be that of her foreign husband, the submission of the jurisdiction to our courts should be accepted. Certainly it is harsher that a living person should be the flotsam of conflicting legal principles than the succession of a deceased person. As things stand, private international law as to domicile is too fertile in producing interesting problems for lawyers, while submitting the lay victims of its rules to intolerable hardships.—London Law Journal.